

State Water Resources Control Board
Division of Drinking Water

December 28, 2017

PWS №. 4800561

Ms. Nicole Suard
Managing Member
Snug Harbor Resorts
1155 TRANCAS ST
NAPA CA 94558-2907

Snug Harbor Resorts LLC
3356 SNUG HARBOR DR
WALNUT GROVE CA 95690-9601

Dear Ms. Suard:

Citation No. 02-04-17C-014
Snug Harbor Public Water System

Citation No. 02-04-17C-014 for failure to meet requirements of Order No. 02-04-15R-001 is enclosed. Section 116577 of the *California Health and Safety Code* provides that a public water system must reimburse the State Water Resources Control Board (State Board) for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. The State Board will bill Snug Harbor at the State Board's hourly rate for the time spent on issuing this citation. The State Board will send Snug Harbor an invoice in August of the next fiscal year to collect enforcement fees incurred during this fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

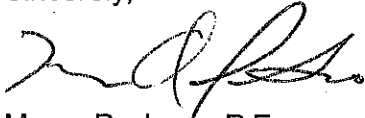
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

If you have any questions regarding this matter, please contact Mr. Eric Swing of my staff at (510) 620-3604 or Eric.Swing@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marco Pacheco', with a stylized flourish at the end.

Marco Pacheco, P.E.
San Francisco District Engineer
Division of Drinking Water
State Water Resources Control Board

Enclosure:

Citation No. 02-04-17C-014

cc: Solano County Environmental Health Department

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Public Water System: Snug Harbor

Water System No: 4800561

Attention: Ms. Nicole Suard
Managing Member
Snug Harbor Resorts
1155 TRANCAS ST
NAPA CA 94558-2907

Issued: December 28, 2017

**CITATION FOR FAILURE TO
Meet Order and Compliance Plan Milestones for Arsenic
December 2017**

California Health and Safety Code (CHSC) Section 116650 authorizes the State Water Resources Control Board (State Board) to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating a requirement of the California Safe Drinking Water Act (SDWA) (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270) and any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water (Division) and the deputy director for the Division, issues this citation pursuant to CHSC Section 116650 to Snug Harbor for violation of CHSC Section 116555(a)(1) and Order No. 02-04-15R-001.

A copy of the applicable statutes and regulations are included in Appendix 1, which is incorporated by reference.

STATEMENT OF FACTS

Snug Harbor is a community water system. The system serves 24 residents through 16 connections, and 124 transient population (on the 60th busiest day). Snug Harbor delivers water from two active groundwater wells, Well 02 (Sample Location 4800561-002) and Well DW-1R (Sample Location 4800561-004).

Snug Harbor must deliver water that meets the primary drinking water standard for arsenic (22 CCR §§64431-64432). The arsenic maximum contaminant level (MCL) is 0.010 mg/L. As of the fourth quarter of 2017, the running annual average arsenic concentration from Well 02 is 0.012 mg/L, and the running annual average arsenic concentration from Well DW-1R is 0.018 mg/L. Snug Harbor failed the arsenic drinking water standard during the fourth quarter of 2014. Snug Harbor continues to fail the arsenic drinking water standard as of the fourth quarter of 2017. The arsenic concentration will not decrease without physical changes to the water system.

The Division issued Snug Harbor Order No. 02-04-15R-001 on March 25, 2015. The purpose of the order is to direct Snug Harbor to meet the arsenic

1 drinking water standard. The order requires Snug Harbor to develop and
2 comply with a corrective action plan (Directive 2), to report the actions taken
3 during each 3-month period (Directive 5), and to meet the arsenic primary
4 drinking water standard by April 10, 2018 (Directive 1).

5
6 Snug Harbor sent a corrective action plan, developed by Quality Service Inc.,
7 dated October 7, 2016. The corrective action plan selects ion exchange
8 filtration as the treatment technology to meet the arsenic standard. The plan
9 includes a milestone to complete a draft treatment design by May 1, 2017.
10 The Division has not received a draft treatment design.

11
12 The Division did not receive a report on the actions taken during the period
13 from April 2017 through June 2017 or a report on the action taken during the
14 period from July 2017 through September 2017.

15 16 DETERMINATIONS

- 17 • Snug Harbor is in violation of Order No. 02-04-15R-001 by failing to
18 send the Division a design draft for arsenic treatment by May 1, 2017.
- 19 • Snug Harbor is in violation of Order No. 02-04-15R-001 by failing to
20 send the Division a report of the actions taken during April 2017
21 through June 2017 by July 10, 2017.
- 22 • Snug Harbor is in violation of Order No. 02-04-15R-001 by failing to
23 send the Division a report of the actions taken during July 2017 through
24 September 2017 by October 10, 2017.
- 25 • Snug Harbor continues to violate the primary drinking water standard
26 for arsenic by delivering water with an arsenic concentration greater
27 than 0.010 mg/L.

PENALTY

Pursuant to CHSC §116650, the State Board assesses Snug Harbor the following penalties:

- \$500 for failing to meet the corrective action plan milestones through December 28, 2017.
- \$500 for failing to send reports of actions taken from April 2017 through September 2017.

The State Board assesses Snug Harbor a penalty in the total amount of **\$1,000**. Pay this penalty in accordance with the Directive 5 of this citation.

DIRECTIVES

The State Board directs Snug Harbor to take the following actions:

1. Comply with Order No. 02-04-15R-001.
2. Meet the milestones of your October 7, 2016 corrective action plan.
3. By January 10, 2018, send the Division a report of the actions taken towards meeting the arsenic drinking water standard during the period from April 2017 through December 2017.
4. Send the Division a draft treatment design or an updated corrective action plan by February 15, 2017.
5. Submit to State Board by January 31, 2017, a check for the penalty of \$1,000. Write the citation number on the check. Make the check payable to the **State Water Resources Control Board**. Mail the check to:

SWRCB Accounting Office
ATTN: Drinking Water Program Fees
PO BOX 1888
SACRAMENTO CA 95812-1888

The State Board reserves the right to make such modifications to this citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this citation and are effective upon issuance.

Nothing in this citation relieves Snug Harbor of its obligation to meet the requirements of the California SDWA or any regulation, standard, permit or order issued or adopted thereunder.

Submit all responses required by this citation to the Division at the following address:

Marco Pacheco, P.E., District Engineer
San Francisco District
State Board – Division of Drinking Water
850 MARINA BAY PKWY, BLDG. P, 2ND FL.
RICHMOND, CA 94804-6403

Or by electronic submission to:

DWPDist04@waterboards.ca.gov

PARTIES BOUND

This citation applies to and is binding upon Snug Harbor, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

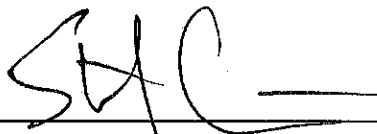
SEVERABILITY

The directives of this citation are severable, and Snug Harbor must comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation with assessment of penalties to a public water system for violation or continued violation of requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

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Stefan Cajina, P.E., Chief
North Coastal Section
Division of Drinking Water
State Water Resources Control Board

12/28/17
Date

Appendices (2):

1. Applicable Statutes and Regulations
2. Order No. 02-04-15R-001

Certified Mail No.: 7016 2070 0000 9541 1999

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR

Violations of an Arsenic Compliance Order

California Health and Safety Code

§116555 states:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

§116577 states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by public water systems under the jurisdiction of the local primacy agency, public water systems shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs" as used in this section does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if either a court or the state board determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

§116650 states:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22

§64431 states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Arsenic	0.010

§64432 states in relevant part:

(a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), and (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993.

(c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:

(1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the State Board. The State Board will designate the year based on historical monitoring frequency and laboratory capacity. All community and nontransient-noncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.

(2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.

(e) Samples shall be collected from each water source or a supplier may collect a minimum of one sample at every entry point to the distribution system which is representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the State Board.

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the State Board within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the State Board and resample as confirmation. The water supplier shall notify the State Board of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the State Board;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the State Board.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

(j) If a system using groundwater has collected a minimum of two quarterly samples or a system using approved surface water has collected a minimum of four quarterly samples and the sample results have been below the MCL, the system may apply to the State Board for a reduction in monitoring frequency.

(o) Transient-noncommunity water systems shall monitor for the inorganic chemicals in table 64431-A as follows:

(1) All sources shall be monitored at least once for fluoride; and

(2) Surface water sources for parks and other facilities with an average daily population use of more than 1,000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.